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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 3606 of 2007

Petitioners (Defendants)	1.	Praveen Kumar Dixit, S/o Dr. Laxminarayan Dixit, Aged about 35 years.
	2.	Dr. Laxminarayan Dixit, Aged about 60 years, S/o Late Shambudayal Dixit, R/o of Village Boriya Khurdh, Teh. & Distt. Raipur (C.G.)
	Versus-	
Respondents (Plaintiffs)	1.	Dr. Shashi Sagar Verma, Aged about 49 years, S/o Late Sagar Chand Verma, R/o Govind Nagar near Guru Hotel, Opp. to New Bus Stand, Raipur (C.G.)
	2.	Shivendra Kumar Mahobiya, Aged about 34 years, S/o Late Bhaiya Ram Mahobiya, R/o Aadarsh Nasgar Kushalpur, Raipur, Distt. Raipur (C.G.)
	3.	Shiv Kumar Mahobiya, Aged about 40 years, S/o Late Paras Ram Mahobiya, R/o Aadarsh Nagar Kushalpur, Raipur, Distt. Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri Abhay Tiwari, Advocate for the petitioners.

ORDER

(Passed on this 27th day of June, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioners/defendants challenge the legality and validity of the order dated 9.4.2007 passed by the 12th Additional District Judge (F.T.C.), Raipur in Miscellaneous Civil Appeal No. 14/2006.

2. The respondents/plaintiffs have filed a civil suit for declaration and permanent injunction. In that pending Civil Suit No. 20-A/2006 (Dr. Shashi Sagar Verma & others Vs. Praveen Kumar Dixit & another), an application under Order 39 Rules 1 and 2, read with Section 151 of the Code of Civil Procedure was filed by the respondents/plaintiffs, seeking interim injunction against the

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petitioners/defendants, on the ground that the respondents/plaintiffs are in possession of the suit land.

3. Learned trial Court (6th Civil Judge Class-I, Raipur) after having considered all the facts in detailed, came to the conclusion that prima facie the respondents/plaintiffs are in possession of the suit land, therefore, during the pendency of the civil suit, it was found desirable and necessary, to grant interim injunction against the petitioners vide order dated 4.8.2006 (Annexure P/1).

4. Being aggrieved, the petitioners/defendants filed miscellaneous civil appeal before the District Judge. The 12th Additional District Judge (F.T.C.), Raipur vide impugned order dated 9.4.2007, passed in Misc. Civil Appeal No. 14/2006, after having examined all the facts, affirmed the findings recorded by the trial Court and confirmed the order dated 4.8.2006 passed by the trial Court.

5. Having heard learned counsel for the petitioners/defendants, examining the pleadings and documents, I am of the opinion that the findings recorded by the Court below are based on cogent and weighty reasons. There is no infirmity, illegality or procedural error in the impugned order asto warrant interference by this Court in its supervisory jurisdiction.

6. It is well settled that this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India should refrain itself from interfering with the order passed by the Court below, except in such cases where perversity, illegality, irregularity or jurisdictional error is writ large on the face of the record, which is not in the present case.

7. In view of the foregoing, there is no merit in this petition, which deserves to be and is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

Thakur